

## PATENT COOPERATION TREATY



PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 208601/EP/he		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA16)	
International application No. PCT/NL 03/00572	International filing date (day/month/year) 08.08.2003	Priority date (day/month/year) 12.08.2002	
International Patent Classification (IPC) or both national classification and IPC B01J4/04			
Applicant TECHNISCHE UNIVERSITEIT EINDHOVEN			

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 507 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		2004/12/01 13:23:36Z
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		

Date of submission of the demand  31.12.2003	Date of completion of this report  02.12.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - Glischiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer  Cubas Alcaraz, J Telephone No. +49 30 25801-324 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**International application No. **PCT/NL 03/00572****I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-9 as originally filed

**Claims, Numbers**

1-23 filed with telefax on 16.11.2004

**Drawings, Sheets**

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 9.25
- ☐ the drawings, sheets:

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**INTERNATIONAL PRELIMINARY  
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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-18, 23
	No: Claims	19-22
Inventive step (IS)	Yes: Claims	1-18, 23
	No: Claims	19-22
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00572

**Re Item V**

1. Reference is made to the following document:

D1: WO-A-0145830

2. Document D1 is considered to represent the closest prior art. Document D1 describes a method for preparing particles using a rotating membrane for contacting the reactants. The difference between the disclosure of D1 is that the contactor is placed perpendicular to the longitudinal axis of the cylindrical reactor, which is rotated. Thus, the subject-matter of claims 1 is novel (Article 33(1)(2) PCT).

3. In the method described in claim 1 a centrifugal force is created within the whole reactor, i.e. both reactants, while in the method of D1 only within the rotating membrane a centrifugal force is created. Consequently, according to the method of claim 1 the particles formed by the reaction near to the contactor are removed from that area by the centrifugal effect. As a result, the size distribution and shape of the particle can be better controlled. Such an effect was not described or suggested by the prior art. Thus, the subject-matter of claim 1 involves an inventive step (Article 33(1)(3) PCT).

4. Similar reasoning applies, mutatis mutandi, to the subject matter of independent claim 23.

5. Dependent claims 2-18 add further features to claim 1 and thus also relate to novel and inventive subject-matter (Article 33 PCT).

6. Claims 19-22 are directed to particles characterised only by their size or their shape and therefore cannot be considered as novel or inventive, since particles prepared using a different process (for example D1) having such a size distribution or shape are known. Accordingly, the subject-matter of claims 19-22 does not meet the requirements of Article 33 PCT

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